

AMENDED IN SENATE JUNE 25, 2008

AMENDED IN ASSEMBLY APRIL 7, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2165

Introduced by Assembly Member Karnette

February 20, 2008

An act to add Chapter 7 (commencing with Section 500) to Part 1 of Division 1 of Title 1 of the Education Code, relating to interscholastic and intercollegiate athletics, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2165, as amended, Karnette. Interscholastic and intercollegiate athletics: safety equipment.

Existing law provides that the governing board of a school district has general control of, and is responsible for, all aspects of the interscholastic athletic policies, programs, and activities in its district, including, but not limited to, eligibility, season of sport, number of sports, personnel, and sports facilities.

Existing law authorizes the governing board of a community college district to enforce rules and regulations relating to eligibility for and participation in intercollegiate athletics.

This bill would ~~encourage~~ *require* the governing body of a public or private school that offers kindergarten or any of grades 1 to 12, inclusive, and participates in interscholastic athletics administered by the California Interscholastic Federation or another voluntary interscholastic athletic association, or the governing body of a community college or the governing board of a public or private college or university that

participates in intercollegiate athletics administered by the California Community College Athletic Association, National Collegiate Athletic Association, or another voluntary intercollegiate athletic association, to consider ~~requiring~~ *imposing the requirement that* a pupil or student to wear a fitted mouth guard, as defined, while engaged in an interscholastic or intercollegiate athletic competition in football, basketball, soccer, wrestling, field hockey, or lacrosse.

Because this bill would require local school districts to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Studies show that teenagers and youths are more susceptible
- 4 than adults to immediate harm from brain injuries because their
- 5 brain tissue is less developed and more easily damaged.
- 6 (b) Girls are at a higher risk of suffering a concussion than boys,
- 7 suffering 68 percent more concussions than boys in soccer and
- 8 three times more concussions than boys in basketball.
- 9 (c) According to a study published in the Journal of Athletic
- 10 Training, football has the highest rate of concussions in high school
- 11 sports with 47 concussions occurring per 100,000 player games
- 12 or practices. Girls soccer has the second highest rate of concussions
- 13 in high school sports with 36 concussions occurring per 100,000
- 14 player games or practices. Boys soccer and girls basketball have
- 15 the third and fourth highest rate of concussions in high school

1 sports with 22 and 21 concussions per 100,000 player games or
2 practices, respectively.

3 (d) In the sport of football alone, since 1997, at least 50 high
4 school or younger athletes have been killed or sustained serious
5 head injuries on the field.

6 (e) The use of a fitted mouth guard may reduce the risk of
7 sports-related concussions.

8 (f) The National Collegiate Athletic Association requires mouth
9 guards for all football, field hockey, lacrosse, and ice hockey
10 players.

11 (g) The American Dental Association recommends mouth guards
12 for 29 high school sports because they may reduce the severity
13 and incidence of concussions.

14 SEC. 2. Chapter 7 (commencing with Section 500) is added
15 to Part 1 of Division 1 of Title 1 of the Education Code, to read:

16
17 CHAPTER 7. ATHLETIC SAFETY EQUIPMENT
18

19 500. (a) The governing body of a public or private school that
20 offers kindergarten or any of grades 1 to 12, inclusive, and
21 participates in interscholastic athletics administered by the
22 California Interscholastic Federation or another voluntary
23 interscholastic athletic association, or the governing body of a
24 community college or public or private college or university that
25 participates in intercollegiate athletics administered by the
26 California Community College Athletic Association, National
27 Collegiate Athletic Association, or another voluntary intercollegiate
28 athletic association, ~~is encouraged to consider requiring~~ *shall*
29 *consider imposing the requirement that* a pupil or student ~~to~~ wear
30 a fitted mouth guard while engaged in an interscholastic or
31 intercollegiate athletic competition in any of the following sports:

- 32 (1) Football.
33 (2) Basketball.
34 (3) Soccer.
35 (4) Wrestling.
36 (5) Field hockey.
37 (6) Lacrosse.

38 (b) For purposes of this section, “fitted mouth guard” means a
39 thermoplastic mouth-formed protector that is preformed by a

1 manufacturer or dentist and then fitted to the mouth of a pupil or
2 student.

3 *SEC. 3. If the Commission on State Mandates determines that*
4 *this act contains costs mandated by the state, reimbursement to*
5 *local agencies and school districts for those costs shall be made*
6 *pursuant to Part 7 (commencing with Section 17500) of Division*
7 *4 of Title 2 of the Government Code.*

8 *SEC. 4. This act is an urgency statute necessary for the*
9 *immediate preservation of the public peace, health, or safety within*
10 *the meaning of Article IV of the Constitution and shall go into*
11 *immediate effect. The facts constituting the necessity are:*

12 *In order to protect the oral health of student athletes, it is*
13 *necessary that this act take effect immediately.*